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PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 6,415,486

Serial No.: 09/516,328

Adjustment date: 08/14/2009 DALLEN
08/22/2006 DALLEN 00000003 6415486
01 FC:1559 -1030.00 OP

Issued: July 9, 2002

Filed: March 1, 2000

Docket: LRI-003PAT

Title: **METHOD AND APPARATUS FOR PROVIDING A RESIDUAL STRESS
DISTRIBUTION IN THE SURFACE OF A PART**

Mail Stop: Petition
Commissioner for Patents
P.O. Box: 1450
Alexandria, VA 22313-1450

08/14/2009 DALLEN 00000015 6415486
01 FC:1599 1030.00 OP

Sir:

**PETITION TO REVIEW AND RECORD PAYMENT OF A MAINTENANCE
FEE FILED PRIOR TO EXPIRATION OF PATENT**

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Mail Stop: Petition, P.O. Box 1450, Alexandria, VA 22313-1450, on August 5, 2009.

August 5, 2009

Mark F. Smith
Mark F. Smith

08/14/2009 DALLEN 00000016 6415486
01 FC:1462 400.00 OP

STATEMENT OF FACTS

U.S. Patent No. 6,415,486 issued on July 9, 2002. The payment window for the 4th year maintenance fee opened on July 11, 2005 and the surcharge date was January 10, 2006 (See Exhibit 1). On May 26, 2006, the Patent Owner paid the maintenance fee of \$455.00 plus \$65.00 surcharge fee for a total of \$515.00 (See Exhibit 2, Maintenance Fee Statement showing payment of \$515.00 for the maintenance fee of the subject patent). On August 15, 2006, the Patent Owner to avoid the possibility of any future difficulties decided to amend the status of the Patent Owner to that of a Large Entity and paid an additional \$515.00 (See Exhibit 3, 4 pages). The Patent Owner was unaware or did not receive any communication that the Maintenance Fee was unaccepted. Further, the Patent Owner reviewed its documents and no refund from the U.S. Patent and Trademark Office has been recorded.

On August 4, 2009, the Petitioner, Mark F. Smith, was preparing to make payment of 8th year Maintenance Fee when it was discovered that the published status of the subject patent is "Expired" as a result that "No 4th year fee paid by: 07/10/2006" (See Exhibit 1). Further, the "Entity" status remains as a "small entity." Petitioner checked with the Maintenance Fee Branch of the United States Patent and Trademark Office (USPTO) and was informed that it appears from their records that the status of the patent in question remains active. Accordingly, Petitioner was directed to and discussed the matter with the Petition Branch of the USPTO and was informed that a petition should be filed in order to have this matter investigated.

The Petitioner hereby requests that the Maintenance Fees previously paid be recorded and the patent either be reinstated or the status of the patent be properly recorded as "Active."

Enclosed is a check for \$400.00, please send any appropriate refund to the address below.

Respectfully submitted,



August 5, 2009

Mark F. Smith
Petitioner and Attorney of Record
(Reg. No. 32,437)

SMITH BRANDENBURG LTD
905 Ohio Pike
Cincinnati, Ohio 45245
(513) 379-5846 (Phone)
(513) 752-5350 (Fax)
Marks@sbtechnologylaw.com (Email)

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Patent Bibliographic Data		08/04/2009 02:21 PM	
Patent Number:	6415486	Application Number:	09516328
Issue Date:	07/09/2002	Filing Date:	03/01/2000
Title:	METHOD AND APPARATUS FOR PROVIDING A RESIDUAL STRESS DISTRIBUTION IN T		
Status:	Expired, No 4th year fee paid by: 07/10/2006		Entity: Small
Window Opens:	07/11/2005	Surcharge Date:	01/10/2006
Fee Amt Due:	\$0.00	Surchg Amt Due:	\$0.00
Fee Code:		Total Amt Due:	\$0.00
Surcharge Fee Code:			
Most recent events (up to 7):	08/22/2006 Refund - Surcharge for late Payment, Small Entity. 08/22/2006 Refund - Payment of Maintenance Fee, 4th Yr, Small Entity. --- End of Maintenance History ---		
Address for fee purposes:	Mark F. Smith 905 OHIO -PIKE CINCINNATI, OH 45245		
NOTE: All USPTO fees are subject to change. If you are making a payment by mail or fax, please visit this link or contact the Maintenance Fee Branch (571-272-6500) to confirm the amount due on the date payment is to be made. A maintenance fee payment can be timely made using the certificate of mailing or transmission procedure set forth in 37 CFR 1.8.			
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05/26/2006 08:08 AM EDT

Patent Number: 6415486

Customer Number: 000000

Mark F Smith
SB Technology Law
7577 Central Park Boulevard
Suite 316
Mason OH 45040

The data shown below is from the records of the U.S. Patent and Trademark Office. If the maintenance fee and any necessary surcharge have been timely paid for the patent listed below, the notation "PAID" will appear in the "STAT" column.

If the statement of small entity status is defective the reason will be indicated below in the "Small Entity" status column. THE STATEMENT OF SMALL ENTITY STATUS WILL BE ENTERED UPON RECEIPT OF ACCEPTABLE CORRECTION.

PATENT NUMBER	FEE AMT	SUR- CHARGE	U.S. APPLICATION NUMBER	PATENT ISSUE DATE	APPL. FILING DATE	PAYMENT YEAR	SMALL ENTITY?	STAT	ATTY DKT NUMBER
6,415,486	\$450.00	\$65.00	09/516,328	07/09/02	03/01/00	04	YES	PAID	LRI- 003PAT

ID CODE Com 1a 8	INV # 2006 6415486	INV DATE 5/26/06
INV AMT 515.00	DUE DATE 6/23/06	DISC P/P
933001		
ENTERED		

Direct any questions about this notice to:
Mail Stop: M. Correspondence
Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Click here to obtain your Maintenance Fee Statement as a PDF.
Please note that in order to view your Maintenance Fee Statement as a PDF, you must have Adobe's Acrobat Reader installed. If you do not have it, download it for FREE!

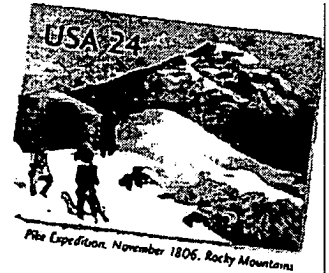
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EXHIBIT 3

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Lambda Technologies
3929 Virginia Avenue
Cincinnati, OH 45227

Attn: Brian Tent

Please stamp or otherwise indicate date of receipt of
accompanying papers and deposit in the U.S. Mail.

Papers: Fee Deficiency Payment Letter and Deficiency
Itemization (1 page), Check in the amount of \$515.00,
return post card.

Patent No.: 6,415,486 Appl. No.: 09/516,328
Inventor: Paul S. Prevey, III Docket No.: LRI-003PAT

Date Mailed: 8/15/2006 By First Class Mail

Aug.22. 2006 8:35AM

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AUG 20 2009



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3929 Virginia Ave.
Cincinnati, Ohio 45227
Telephone: 513/561-0883
Facsimile: 513/322-7186
BTent@lambdatechs.com
www.lambda-research.com

FAX TRANSMISSION

DATE: 08/22/2006
TO: Dorethea Allen
AFFILIATION: United States Patent and Trademark Office

FAX NO.: 571-273-6317
PHONE NO.: 571-272-6317

FROM: Brian Tent

REFERENCE: Large Entity Assertion for Pat Nos. 5,826,453 and 6,415,486

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Ms. Allen,

Attached please find separate large entity written assertions for U.S. Patent Nos. 5,826,453 and 6,415,486.

If you should have any questions or concerns, please contact me at 513-561-0883.

Best regards,

Brian Tent

Number of pages: 2 + cover

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Lambda Research is an independent testing laboratory founded in 1977, providing x-ray diffraction and related testing services. Lambda Research is accredited by the American Association for Laboratory Accreditation in accordance with ISO/IEC 17025.

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IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

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Trademark Office, P.O. Box 371611,
Pittsburgh, PA 15250-1611, on

8/15/2006
Name: Brian A. Tent

Signature: B.A. Tent

Date: 8/15/2006

Patentee : Paul S. Prevey III
Patent No. : 6,415,486
Appl. No. : 09/516,328
Issued : 07/09/02
Filed : 03/01/00
Title : METHOD AND APPARATUS FOR PROVIDING A RESIDUAL
STRESS DISTRIBUTION IN THE SURFACE OF A PART
Docket No. : LRI-003PAT

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P.O. Box 371611
Pittsburgh, PA 15250-1611

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MAINTENANCE FEE DEFICIENCY
PAYMENT UNDER 37 CFR 1.28(c)

Adjustment date: 08/22/2006 DALLIN
05/26/2006 INTNIFEE 00000070 6415486
01 FC:2531 Sir: -450.00 OP
02 FC:2534 -65.00 BP

Enclosed is a check drawn in the amount of \$515.00 for deficiencies in the
maintenance fee and surcharge for U.S. Patent No. 6,415,486 (App. No. 09/516,328).
The following is an itemization of the deficiency payment as required by 37 CFR 1.28(c):

Fee Type	Large Entity Fee	Small Entity Fee Paid	Date Paid	Deficiency Owed
3.5 Year Maintenance Fee	\$900.00	\$450.00	05/26/2006	<u>\$450.00</u>
Surcharge	\$130.00	\$65.00	05/26/2006	\$65.00

Total Deficiency Owed: \$515.00

08/22/2006 DALLIN 00000003 6415486

01 FC:1559 Very truly yours, 1030.00 OP

B.A. Tent

Brian A. Tent
Reg. No. 57,446

3929 Virginia Avenue
Cincinnati, OH 45227
Phone No: 513.561.0883



LAMBDA RESEARCH, INC.

30000

DIRECTOR OF U.S. PATENTS

INVOICE NO.	DATE	AMOUNT	DISCOUNT	NET AMOUNT
2006 MAINT 6415486	08/15	515.00	0.00	515.00

				\$515.00

DATE
08/15/06

CHECK NUMBER
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DATE 08/15/06 AMOUNT *****\$515.00

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